

ORIGINAL

Approved:

  
BRETT M. KALIKOW  
Assistant United States AttorneyBefore: THE HONORABLE ONA T. WANG  
United States Magistrate Judge  
Southern District of New York

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:  
UNITED STATES OF AMERICA : COMPLAINT  
:  
- v. - : Violation of  
: 21 U.S.C. § 846  
MICHAEL DEL VILLAR and :  
ENRIQUE ROSADO, : COUNTY OF OFFENSE:  
: New York  
Defendants. :  
----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

SOTIRIOS V. MALAMIS, being duly sworn, deposes and says that he is a Special Agent with the United States Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. In or about March 2020, in the Southern District of New York and elsewhere, MICHAEL DEL VILLAR and ENRIQUE ROSADO, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MICHAEL DEL VILLAR and ENRIQUE ROSADO, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that MICHAEL DEL VILLAR and ENRIQUE ROSADO, the defendants, conspired to distribute and possess with intent to distribute was one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with the DEA. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, and my conversations with law enforcement agents, witnesses and others. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my personal observations and participation in this investigation, and my conversations with law enforcement officers and others, I have learned the following, in substance and in part:

a. Within the DEA, I am assigned to a group that has been investigating the trafficking of narcotics in the New York City area, among other places, as well as the laundering of narcotics proceeds from such trafficking.

b. On or about March 9, 2020, other law enforcement agents and officers (collectively, "agents") and I were conducting surveillance in the vicinity of a particular building, a "brownstone" style multi-family building, located on West 126th Street in Manhattan, New York ("Building-1").

c. At approximately 7:10 p.m., I observed an individual, later identified as MICHAEL DEL VILLAR, the defendant, exit Building-1. VILLAR was carrying a backpack that appeared heavily weighted and squared-off (i.e., it had contents that appeared to have square edges). Based on my training and experience, I know that a squared-off backpack is consistent with the backpack containing narcotics bundled into brick-shaped packages weighing approximately one kilogram. VILLAR walked approximately two blocks and entered a particular vehicle ("Vehicle-1"). After a few minutes, VILLAR exited Vehicle-1. VILLAR was still carrying the backpack, but the backpack now appeared to weigh significantly less. VILLAR walked back to and entered Building-1.

d. Approximately 10 minutes later, agents conducted a traffic stop on Vehicle-1 in the vicinity of West 127th Street between Fredrick Douglass Boulevard and Adam Clayton Powell Boulevard and conducted a search of Vehicle-1.

Inside Vehicle-1, agents located approximately six brick-shaped objects located underneath the back seat in what appeared to be a hidden compartment inside Vehicle-1. Agents placed the driver of Vehicle-1 under arrest. The driver of Vehicle-1 was later identified as ENRIQUE ROSADO, the defendant.

e. Agents subsequently field-tested the contents of the brick-shaped packages seized from Vehicle-1, which tested positive for the presence of heroin.

f. At approximately 8:20 p.m., VILLAR exited Building-1 empty handed, and was subsequently placed under arrest.

g. When VILLAR re-entered Building-1 after leaving Vehicle-1, as described above, I was conducting surveillance in a position where, from the outside of Building-1, I could observe the staircase leading from the second floor to the third and fourth floors of Building-1. After VILLAR entered Building-1, I did not observe him ascend the staircase to the third floor. In addition, although I was in a position to observe the staircase at the time, I did not observe VILLAR descend the inner staircase just prior to his exiting Building-1 prior to his arrest.

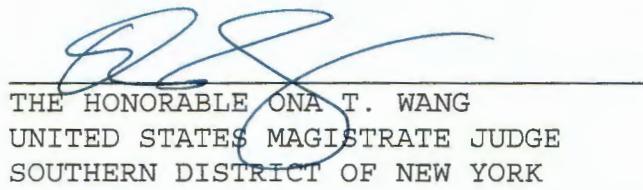
h. At the time of his arrest, law enforcement agents found a key in VILLAR's possession with the number "2" on it.

i. On or about March 10, 2020, pursuant to a judicially authorized search warrant, agents searched apartment number 2 inside of Building-1, and recovered approximately six brick-shaped objects, each of which, based on my training, experience, and participation in this investigation, I believe to be approximately one kilogram of heroin, and approximately \$15,000 in cash, banded together in approximately \$1,000 increments.

WHEREFORE, deponent respectfully requests that MICHAEL DEL VILLAR and ENRIQUE ROSADO, the defendants, be imprisoned or bailed, as the case may be.

SA S. Malamis  
SOTIRIOS V. MALAMIS  
Special Agent  
Drug Enforcement Administration

Sworn to before me this  
10th day of March, 2020

  
THE HONORABLE ONA T. WANG  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK